

David A. LaFuria

8300 Greensboro Dr.
Suite 1200
Tysons, VA 22102

dlafuria@fcclaw.com
(703) 584-8666
WWW.FCCLAW.COM



February 16, 2017

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., Room TW-B204
Washington, DC 20554

Re: WC Docket No. 10-90
WT Docket No. 10-208
GN Docket No. 14-28

Madam Secretary:

In accordance with Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, we provide you with notice of an oral ex parte presentation in connection with the above-captioned proceedings. On February 14, 2017, Brian Woody, Chris Reno, Alyssa Blair and undersigned counsel on behalf of Union Telephone Company d/b/a Union Wireless ("Union") met with Amy Bender in Commissioner O'Rielly's office. The same group, along with Union's Pat Caron, also met with Dr. Jay Schwarz and Rachael Bender in Chairman Pai's office, and Claude Aiken in Commissioner Clyburn's office.

With respect to Mobility Fund Phase II, Union explained that the testing procedures described in the proposal recently filed by AT&T/ATNI will prove to be extremely burdensome, especially for small carriers. Union estimates that in Wyoming it will need to test several thousand census blocks, requiring potentially tens of thousands of individual tests and hundreds of hours of burden. Because processing test data takes about as long as the data collection, Union will have only 30 days within which to test, so that results can be submitted to the FCC within 30 more days.

Union suggested that the Commission may wish to add a step to the process, by allowing a challenger to create a baseline showing of where coverage is lacking. This would shift the burden to the carrier to improve its data showing. Once an improved data showing was submitted, the challenger could perform a drive test or app test over a narrower area of controversy.

Union also stated that, on information and belief, the Form 477 data on file for Wyoming significantly overstates the actual coverage of carriers in the region. This greatly

Hon. Marlene H. Dortch

February 16, 2017

Page 2

increases the areas that a company like Union must challenge, a daunting task in large expanses of rural territory.

Union requested the Commission to implement a rational phase down of legacy support. Since the National Broadband Plan was adopted, it has been the FCC's consistent policy that there are to be no flash cuts when transitioning universal service support mechanisms. As a small business, Union has numerous projects in the pipeline that have 18-24 month lead times, creating extraordinary hardship if these projects need to be postponed or cancelled. In addition, a flash cut will cause Union's loan covenants to be violated unless the company's loan facility can be renegotiated.

Union disfavors package bidding, which provides a significant advantage to large carriers, especially those able to bid throughout an entire state or perhaps even wider areas.

Union also discussed the Commission's A-CAM mechanism, requesting that it be fully funded to allow small carriers like Union to accelerate investments in their wireline network.

Finally, Union discussed net neutrality. Small carriers are unlikely to be capable of participating in a two-sided market, that is, charging edge providers for access to a carrier's customers. In fact, the market may work the other way for small carriers in that edge providers may seek to charge a fee for accessing content. Union requested the Commission to keep small carriers in mind when it takes a fresh look at the Open Internet proceeding.

Should you have any questions, please contact undersigned counsel directly.

Respectfully submitted,



David LaFuria
Counsel for
Union Telephone Company d/b/a Union Wireless

cc: Amy Bender
Rachael Bender
Jay Schwarz
Claude Aiken
Brian Woody
Chris Reno
Alyssa Blair
Pat Caron